

REMARKS

Claims 1, 3-20, 22-39, 41-58 and 60-77 are pending in the application.

Claims 1, 3-20, 22-39, 41-58 and 60-77 have been rejected.

Rejection of Claims Under 35 U.S.C. §103**Independent Claims 1, 20, 39 and 58:**

Claims 1, 20, 39 and 58 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication US 2002/0054115 naming Mack et al. as inventors (“Mack”) in view of Adobe® GoLive™ 5.0 User Guide (“Adobe”), and further in view of Core Servlets and JavaServer Pages™ by Hall (“Hall”). Applicants respectfully traverse this rejection.

In order for a claim to be rendered invalid under 35 U.S.C. § 103, the subject matter of the claim as a whole would have to be obvious to a person of ordinary skill in the art at the time the invention was made. *See* 35 U.S.C. § 103(a). This requires: (1) the reference(s) must teach or suggest all of the claim limitations; (2) there must be some teaching, suggestion or motivation to combine references either in the references themselves or in the knowledge of the art; and (3) there must be a reasonable expectation of success. *See* MPEP 2143; MPEP 2143.03; *In re Rouffet*, 149 F.3d 1350, 1355-56 (Fed. Cir. 1998).

Applicants note that the Office Action cites to broad sections of text in Mack, Adobe and Hall for all of the implicated claim limitations. Applicants respectfully submit that these broad citations relied upon by the Office Action have not been

designated as nearly as practicable, and the pertinence of each reference has not been clearly explained, both as required by 35 C.F.R. § 1.106(b). *See also* MPEP §706.02(j). Nevertheless, Applicants have made every effort to respond to the rejections outlined in the Office Action.

Independent Claims 1, 20, 39 and 58 each contain a limitation of the form “selecting a tag field-based view comprising one or more applets.” *See, e.g.*, Claim 1. The Office Action admits that the primary reference, Mack, fails to provide disclosure of this limitation. *See* Office Action, p. 4. The Office Action then relies upon a large section of Hall (pp. 274-283) as purported disclosure of this claim limitation. Applicants respectfully submit that the cited sections of Hall fail to provide disclosure of the claimed “selecting a tag field-based view comprising one or more applets” because Hall does not provide the claimed “selecting,” as discussed below.

The cited section of Hall describes an HTML code element that purportedly causes a web server to build an appropriate tag that allows a web browser to access a Java plug-in to execute an identified applet, regardless of the type of browser. *See* Hall, pp. 274-275 (“The jsp:plugin element instructs the server to build a tag appropriate for applets that use the plug-in.”). According to Hall, this is necessitated because contemporaneous versions of popular browsers would not use a standard “APPLET” tag work to access a Java plug-in, needing instead to use a tag unique to the browser. The disclosed jsp:plugin element purportedly allowed a tag appropriate to the particular browser to be built by the server, thereby allowing access to the Java plug-in.

While Hall discloses inclusion of a Java coded applet in an HTML file (*see* Hall, p. 280), it does not disclose selecting a tag field-based view comprising one or more

applets, as claimed in independent Claims 1, 20, 39 and 58. The Office Action appears to equate Hall's HTML file using a jsp:plugin with the claimed tag field-based view. But Hall provides for no selection of such a view and, as admitted by the Office Action, Mack also provides no disclosure of a tag field-based view comprising one or more applets nor selection of such a view. Thus, neither Hall nor Mack discloses this limitation.

As claimed in the present Application, a Cartesian coordinate-based view is migrated to the selected tag field-based view. Without a selection of the tag field-based view taking place, there can be no migration to the selected tag field-based view. Merely including a mechanism for executing a Java-based applet by a variety of browsers in an HTML file, as disclosed in Hall, does not satisfy the claim limitation that requires selection of a tag field-based view that comprises applets.

Independent Claims 1, 20, 39 and 58 also contain claim limitations of the forms:

- identifying a first applet of the one or more applets, wherein the first applet comprises one or more controls, and
- associating a first applet template with the first applet, wherein the first applet template comprises one or more characteristics of each of the one or more controls.

See, e.g., Claim 1. The phrase “the one or more applets” refers to language in the claim limitation discussed above, wherein the tag field-based view comprises one or more applets. Therefore, the “identifying” limitation refers to a first applet of the one or more applets that comprise the tag field-based view. The Office Action does not identify an applet in the tag field-based view but rather refers to an applet in the Cartesian coordinate-based view. *See* Office Action, p. 3 (“here, a Java applet is identified to be

converted to XML.”) Thus, the cited section of Mack does not disclose the “identifying” claim limitation of the independent claims.

The lack of disclosure of the “identifying” limitation also results in a lack of disclosure of the “associating” claim limitation (as will be appreciated, lacking identification, this item that remains unidentified can hardly be associated with anything). The “first applet template” is associated with the identified first applet of the one or more applets comprising the tag field-based view. But the Office Action associates a purported template (“twin servlets act as templates”) with the identified Cartesian coordinate-based Java applet.¹ See Office Action, p. 3. In addition, the lack of disclosure of the “first applet template” also results in a lack of disclosure in Mack of the subsequent “linking” claim limitation also found in the independent claims.

The Office Action admits that Mack fails to disclose the limitation “modifying the Cartesian view control to produce a corresponding tag view control, wherein said modifying matches characteristics of an associated control of the one or more controls in the first applet template” found in Claims 1, 20, 39 and 58, a proposition with which Applicants agree. Applicants respectfully submit further that the cited sections of Mack fail to discuss the claimed “Cartesian view controls” at all. The Office Action suggests that Mack’s “operating buttons are in a Cartesian view.” Office Action, p.3. But this ignores that the claimed Cartesian view controls are modified to produced the tag view controls. See, e.g., Claim 1 (“modifying” limitation). Mack, by the Office Action’s own admission, does not disclose the operating buttons being modified to a tag based view.

¹ Note that Applicants do not necessarily agree with the Office Action’s position that the disclosed servlets correspond to the claimed template. For purposes of discussion, Applicants merely present the position of the Office Action.

The Office Action cannot ignore claim limitations in this manner in an attempt to reject the claims.

Thus, Mack fails to disclose any limitation containing Cartesian view controls as an element such as “linking the first applet template to a corresponding first Cartesian view applet in the Cartesian coordinate-based view, wherein the first Cartesian view applet comprises a Cartesian view control.” *See, e.g.*, Claim 1 (emphasis added). Therefore, Applicants respectfully submit that, by the Office Action’s own admission, the Mack reference not only fails to disclose the “modifying” limitation, but also does not disclose the “linking” claim limitation of the independent claims.

The Office Action states that “Adobe discloses adding control buttons to tag-based view.” Office Action, pp. 3-4 (*citing* Adobe, pp. 306-307). The claim language for which Adobe is cited as providing needed disclosure is “modifying the Cartesian view control to produce a corresponding tag view control.” Applicants respectfully submit that the Office Action statement of what Adobe discloses (“adding control buttons to tag-based view”) does not correspond to the language of the claim limitation against which Adobe is cited.

The Office Action makes no claim that Adobe provides any disclosure of the above missing limitations from Mack and Hall or that Hall provides any of the above missing limitations from Mack and Adobe. *See* Office Action, pp. 3-4. Therefore, Applicants submit that neither Mack, Hall nor Adobe, alone or in combination, teach or suggest all of the claim limitations of independent Claims 1, 20, 39 and 58, as required by 35 U.S.C. § 103(a). As Applicants know is appreciated, the burden is on the Examiner to

support a case of obviousness, including whether the prior art references teach or suggest all of the claim limitations. *See* MPEP 706.02(j).

Applicants further respectfully submit that the Examiner has not satisfied the burden of factually supporting the alleged motivation to combine the references. The Examiner must provide evidence to suggest the combination and “[b]road conclusory statements regarding the teaching of multiple references, standing alone, are not ‘evidence.’” *See In re Dembiczak*, 50 U.S.P.Q. 2d 1614, 1617 (Fed. Cir. 1999). Further, the Office Action does not establish that such a combination of the teachings of these references would meet with success, as also required by 35 U.S.C. § 103(a).

Applicants submit that there is no suggestion or motivation to combine Mack with Adobe. Mack discloses a user interface for purportedly designing a static image, such as a bumper sticker wherein the design can be saved as an XML file. *See, e.g.*, Mack Abstract, ¶¶ [0006]-[0007]. Static images such as bumper stickers or other “high resolution printable digital images for many different ultimate uses” (Mack ¶ [0015]) do not require interactive control buttons or radio buttons such as those disclosed in Adobe. In fact, images of Adobe’s control buttons and radio buttons would be an undesirable artifact in Mack’s printable images. There is no need or desire for interactive components in the images disclosed to be created by Mack. Therefore, Applicants respectfully submit that there is no motivation to combine Mack with Adobe, as required by 35 U.S.C. § 103(a).

Applicants also submit that there is no suggestion or motivation to combine Mack with Hall. Mack discloses storing the generated code related to the static images as XML code. *See* Mack, ¶ [0020]. This is purportedly accomplished by using two “servlets”:

The servlet that converts Java objects from the applet 34 into XML code has a twin servlet at the server that can convert the XML code back into Java objects to be downloaded to the user when a previously constructed sticker is loaded back into the user's work area on his display screen 27.

Mack, ¶ [0020]. Assuming, for the purposes of this discussion, that the disclosed "Java objects" correspond to the "Java applets" of Hall (a proposition Applicants do not concede), the XML code generated by Mack does not contain Java objects but instead XML code representing those Java objects. Thus, there is no need for the disclosed tag generating capability of Hall, since there is no Java applet to be executed. Therefore, inclusion of Hall within Mack would be duplicative, at best, for this functionality disclosed by Mack. Further, since Mack does not disclose the use of a general browser to view the disclosed generated XML files, the purpose of Hall to provide the capability of using a general browser to view Java applets would not be served by its incorporation into Mack. Therefore, Applicants respectfully submit that there is no motivation to combine Mack with Hall from within the references themselves, as required by 35 U.S.C. § 103(a).

Applicants respectfully submit that the Office Action fails to establish a *prima facie* case of obviousness and runs perilously close to a forbidden hindsight analysis of the references. The Office Action makes no showing of a motivation to combine Mack with Hall or Adobe from within the references themselves; therefore, it must be presumed that there is none (as shown above). It is well-established that the best defense to hindsight is a "rigorous application of the requirement for a showing of a teaching or motivation to combine the prior art references." See *Ecolochem, Inc. v. Southern California Edison Co.*, 227 F.3d 1361, 1371 (Fed. Cir. 2000); *Brown & Williamson Tobacco Corp. v. Philip Morris Inc.*, 229 F.3d 1120, 1124-25 (Fed. Cir. 2000). A

showing of combinability must be “clear and particular” and “broad conclusive statements about the teaching of multiple references, standing alone, are not ‘evidence.’”

See Ruiz v. A.B. Chance Co., 234 F.3d 654, 666 (Fed. Cir. 2000); *Brown & Williamson*, 229 F.3d at 1125.

The reason, suggestion, or motivation to combine may be found explicitly or implicitly: 1) in the prior art references themselves; 2) in the knowledge of those of ordinary skill in the art that certain references, or disclosures in those references, are of special interest or importance in the field; or 3) from the nature of the problem to be solved, “leading inventors to look to references relating to possible solutions to that problem.”

Ruiz, 234 F.3d at 665.

The Office Action presents nothing more than broad, generalized statements related to the motivation of a person of ordinary skill (*see, e.g.*, Office Action, p.4 [combining Adobe with Mack “would have allowed a user to interact with the tag-based data”] and [combining Hall with Mack “would have allowed a user [to] easily embed applet code within a tag based-field document”]), which Applicants submit is insufficient to support a finding of obviousness. The Office Action does not establish that the references which are combined by the Office Action are of special interest or importance in the field. Nor does the Office Action present any evidence of a problem to be solved from within those references themselves.² Instead, the Office Action fabricates such a problem to be solved, not from the teachings of the cited references, but from the teaching of Applicants’ own disclosure.

Using Applicants’ own disclosure as a blueprint or roadmap for providing the motivation to combine prior art references in an obviousness determination is

impermissible. See *W.L. Gore & Assoc. v. Garlock*, 721 F.2d 1540, 1552-53 (Fed. Cir. 1983) (“To imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art reference or references of record convey or suggest that knowledge, is to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher.”).

Applicants further submit that the Office Action provides no support for successfully incorporating Adobe’s tag-based view control objects into Mack’s disclosed image system (i.e., how these two references might be integrated with one another). Discussion in the Office Action implies that the disclosed image created by Mack on a computer screen is a Cartesian coordinate-based view to be converted. The Office Action then states that the disclosed Adobe control buttons are added to a tag-based view. Importantly, the Office Action provides no link between these two different types of views or how such a link would successfully enable the claim language. For at least these reasons, Applicants respectfully submit that the Office Action fails to establish that the combination of Mack with Adobe would meet with success as required by § 103(a).

For at least the above reasons, Applicants respectfully submit that the Office Action fails to present a *prima facie* case of obviousness of independent Claims 1, 20, 39 and 58 and all claims dependent upon them (Claims 3-19, 22-38, 41-57, and 60-77), and that these claims are in condition for allowance. Applicants therefore respectfully request the Examiner’s reconsideration and withdrawal of the rejections as to those claims and an indication of the allowability of same.

² There must be a finding that “there was a disadvantage to the prior systems, such that the ‘nature of the

Dependent Claims 5, 24, 43 and 62:

Claims 5, 24, 43 and 62 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mack in view of Adobe, further in view of Hall, and further in view of U.S. Patent No. 5,897,645 issued to Watters (“Watters”). Applicants respectfully traverse this rejection.

For the reasons stated above, with regard to the independent claims from which Claims 5, 24, 43 and 62 depend, all the limitations of those independent claims are not disclosed by the combination of Mack, Adobe and Hall. The Office Action makes no claim that Watters remedies these deficiencies in disclosure. Therefore, as an initial matter, dependent Claims 5, 24, 43 and 62 are allowable over the combination of references.

Claims 5, 24, 43 and 62 each contain a limitation of substantially the following form: “mapping the one or more controls to specific sequence numbers.” *See, e.g.*, Claim 5. Claim 1 provides that the “one or more controls” element comprise the first applet of the one or more applets of the tag field-based view.

Applicants submit that the cited section of Watters does not relate to tag field-based views, Cartesian coordinate-based views or to applets and their controls, as provided by the claims. Instead, Watters relates to a method or system for composing electronic data interchange (EDI) information so as to enhance ANSI standards. *See* Watters 2:40-47.

problem’ will have motivated a person of ordinary skill to combine the prior art references.” *Id.* at 666.

While Watters does provide a sequence number, the disclosed sequence number is associated with an input record processed by Watters disclosed driver map, not to being mapped with a control, as claimed in Claims 5, 24, 43 and 62.

Thus, when a first input record is read, the control fields of the first control record, shown in column four of Table 3 ([EDATE ISA01]; [ETIME ISA10]; [SEQ+1 ISA13]; [CLEAR, RESET]) are processed by the data composition system. These control fields create a date stamp, a time stamp, a sequence number, and clear and reset registers when processed by the data composition system.

Watters 11:34-40; *see also* Watters 7:32-38 (describing counter changes for input record level). Thus, Watters fails to provide the claim limitation of these dependent claims.

Further, Applicants submit that neither Mack, Hall nor Adobe indicates the necessity or desirability of having sequence numbers associated with any disclosed controls. The Office Action states that “[i]t would have been obvious to one of ordinary skill ... to use mapping of controls to sequence numbers in order to allow successful processing of control record data.” Office Action, p.7. But the Office Action fails to provide any indication from within the references themselves that such functionality was indeed desirable in the context of any of those references. Therefore, it must be presumed that there was none. Applicants again respectfully submit that the selection of a small section of a reference from an unrelated field, such as is demonstrated here, appears to be performed through the use of the Applicants’ own disclosure and claims as a blueprint for the combination, an obviously untenable and unacceptable approach.

For at least these reasons, and those provided in the previous section, Applicants respectfully submit that the Office Action fails to present a *prima facie* case of obviousness of Claims 5, 24, 43 and 62, and all claims dependent therefrom (Claims 6-7, 25-26, 44-45, and 63-64), and that these claims are in condition for allowance.

Applicants therefore respectfully request the Examiner's reconsideration and withdrawal of the rejections as to those claims and an indication of the allowability of same.

Dependent Claims 8, 27, 46 and 65:

Claims 8, 27, 46 and 65 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mack in view of Adobe, further in view of Hall, and further in view of U.S. Patent No. 6,289,506 issued to Kwong et al. ("Kwong"). Applicants respectfully traverse this rejection.

For the reasons stated with regard to the independent claims from which Claims 8, 27, 46 and 65 depend, all the limitations of those independent claims are not disclosed by the combination of Mack, Adobe and Hall. The Office Action makes no claim that Kwong remedies these deficiencies in disclosure. Therefore, as an initial matter, dependent Claims 8, 27, 46 and 65 are allowable over the combination of references.

Claims 8, 27, 46 and 65 each contain a limitation of substantially the following form: "mapping the first applet to a specific sequence number." *See, e.g.*, Claim 8. The "first applet" is one of the "one or more applets" that comprise the "tag field-based view" of Claim 1.

Applicants respectfully submit that the cited section of Kwong does not relate to tag field-based views, as claimed. Instead, Kwong purports to disclose "a method for optimizing Java performance using precompiled code." Kwong 3:30-31. Specifically, the cited section of Kwong relates to "a high level performance analysis tool [that] monitors the performance of a Java program or Java applet." Kwong 4:9-11. The cited section of Kwong also discloses a "tuning tool" that purportedly allows a user to

determine the most active classes and methods in a Java application. Kwong 4:16-19.

“Depending on the calling sequence of Java program methods and their execution time, users may select any arbitrary number of highlighted methods for static compilation.”

Kwong 4:19-22.

Applicants respectfully submit that the cited section of Kwong fails to disclose mapping a first applet to a specific sequence number, as claimed in Claims 8, 27, 46 and 65. Kwong discloses a calling sequence of Java program methods, but does not disclose mapping an applet to a specific sequence number.

Further, there is no indication from within Kwong, or the other three references, that a combination of Kwong’s disclosed performance analysis tool or tuning tool would be desirable with Mack’s disclosed user interface for designing a static image, Adobe’s control / radio buttons, or Hall’s code element for generating a tag. Further, there is no suggestion from within the references themselves that such a combination would successfully result in providing a sequence number mapping for an applet in a tag field-based view.

Applicants again respectfully submit that the selection of a small section of Kwong, which is from an unrelated field, appears to be performed through the use of the Applicants’ own disclosure and claims as a blueprint for the combination.

For at least these reasons, and those provided in the previous section, Applicants respectfully submit that the Office Action fails to present a *prima facie* case of obviousness of Claims 8, 27, 46 and 65, and all claims dependent therefrom (Claims 9-10, 28-29, 47-48, and 66-67), and that these claims are in condition for allowance.

Applicants therefore respectfully request the Examiner's reconsideration and withdrawal of the rejections as to those claims and an indication of the allowability of same.

Dependent Claims 3, 4, 6, 7, 9, 10, 12, 13, 15, 16, 18, 19, 22, 23, 25, 26, 28, 29, 31, 32, 34, 35, 37, 38, 41, 42, 44, 45, 47, 48, 50, 51, 53, 54, 56, 57, 60, 61, 63, 64, 66, 67, 69, 70, 72, 73, 75, 76:

These claims stand rejected under 35 U.S.C. § 103(a) as being unpatentable over at least Mack in view of Adobe, further in view of Hall, and further in view of Using HTML 4, XML and Java 1.2, by Ladd ("Ladd"). Applicants respectfully traverse this rejection.

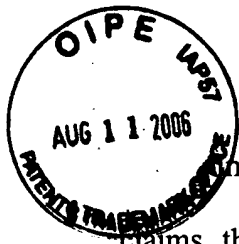
Applicants respectfully submit that the Office Action provides no more than a vague reference as to the teachings of Ladd, stating that "page 1004 of Ladd depicts an applet with at least one field control." Office Action, p.5. Applicants have reviewed Ladd and are unable to identify a field control or the non-field control corresponding to the claim elements. In order to provide a substantive response to this rejection, Applicants respectfully request a specific identification of the portion of Ladd that is purported to anticipate the limitations of the above claims. *See* 35 C.F.R. § 1.106(b); *see also* MPEP §706.02(j).

Further, Applicants submit that neither Mack, Hall nor Adobe (nor the other references the Office Action indicates should be combined with Ladd) indicates the necessity or desirability of having a control be a field or non-field control, as claimed. The Office Action states that "[i]t would have been obvious to one of ordinary skill ... to have at least one field control because fields accept user input from the keyboard." Office Action, p.5. But the Office Action fails to provide any indication from within the references themselves that such functionality was indeed desirable in the context of any

of those references. Therefore, it must be presumed that there was none. Applicants again respectfully submit that the selection of a small section of a reference from an unrelated field, such as is demonstrated here, appears to be performed through the use of the Applicants' own disclosure and claims as a blueprint for the combination.

For at least these reasons, and those provided in the previous sections, Applicants respectfully submit that the Office Action fails to present a *prima facie* case of obviousness of the listed claims, and all claims dependent therefrom, and that these claims are in condition for allowance. Applicants therefore respectfully request the Examiner's reconsideration and withdrawal of the rejections as to those claims and an indication of the allowability of same.

For at least the above reasons, Applicants submit that the claims discussed in each of the above sections, and all claims depending therefrom, are in condition for allowance. Applicants therefore respectfully request the Examiner's reconsideration and withdrawal of the rejections as to these claims, and an indication of the allowability of same.



CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5090.

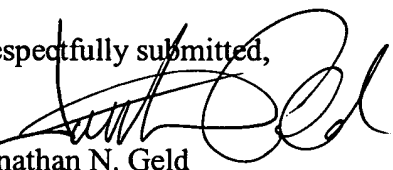
I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, COMMISSIONER FOR PATENTS, P. O. Box 1450, Alexandria, VA 22313-1450, on August 7, 2006.

Attorney for Applicant(s)

8/7/2006

Date of Signature

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